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New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Optometrists
124 Halsey Street, 6th Floor, Newark, NJ 07102



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PUBLIC SESSION MINUTES ESSEX CONFERENCE ROOM, 6TH FLOOR OCTOBER 21, 2015 9:00a.m.

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I OPENING STATEMENT AND ROLL CALL

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, October 21, 2015. Dr. Fink, President of the Board, announced that pursuant to the Open Public Meetings Act, notice of this meeting was prepared in the office of the Board and mailed out to the Secretary of State, the Attorney General, the Star Ledger, the Record, the Press of Atlantic City, the Asbury Park Press, and the Trenton Times. The meeting was called to order at 9:00 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

PRESENT

Mitchell Fink, O.D.
Michael Siegel, O.D.
Sheldon G. Greenspan, O.D.
Scott Ruffolo, O.D.
Gigette Collazo Harfst, O.D.

EXCUSED

M. Carolyn Daniels, DHSC
Colette Lamothe-Galette

ALSO PRESENT

Carmen Rodriguez, DAG
Renee Clark, Executive Director
Sonia Claudino, Administrative Staff

MEMBER(S) OF THE PUBLIC

**Howard Cooper, Executive Director
of the New Jersey Society of Optometric
Physicians**
**Dr. Michael Veliky, Legislator of the New Jersey
Society of Optometric Physicians**

II APPROVAL OF MINUTES

A motion was made by Dr. Collazo Harfst seconded by Dr. Siegel to approve the June 17, 2015 Public Session Minutes with amendments. The motion carried by unanimous vote.

III 2016 MEETING DATES

A motion was made by Dr. Siegel seconded by Dr. Collazo Harfst to approve February 17, April 20, June 15, August 17, October 19 and December 14 as the 2016 meeting dates. The motion carried by unanimous vote.

IV NEW BUSINESS

- a. The Board reviewed Assembly No. 709 which requires pharmacies and prescribes to notify patients how to ensure proper and safe disposal of unused prescription drugs.

After review, a motion was made by Dr. Collazo Harfst seconded by Dr. Greenspan to support the Bill. The motion carried by unanimous vote.

- b. The Board reviewed Assembly No. 4672 which repeals law suspending certain licenses, registrations and certifications for failure to repay student loans.

After review, the Board had no comment. Motion was made by Dr. Siegel seconded by Dr. Collazo Harfst. The motion carried by unanimous vote.

- c. The Board reviewed Assembly No. 4497 which prohibits courts and professional boards from denying professional licenses to child support obligors under certain circumstances.

After review, the Board had no comment. Motion was made by Dr. Collazo Harfst seconded by Dr. Greenspan. The motion carried by unanimous vote.

- d. Howard Cooper, Executive Director of the New Jersey Society of Optometric Physicians submitted:

- 1. Information in regards to hydrocodone prescribing rights for optometrists.

Mr. Cooper advised the Board that patient care is being compromised and that licensees should be aware how important it is for them to be registered with the DEA. Dr. Veliky advised the Board due to the new prescription blank patients are having issues getting prescriptions.

IV NEW BUSINESS (cont.)

- d. Howard Cooper, Executive Director of the New Jersey Society of Optometric Physicians submitted:

1. Information in regards to hydrocodone prescribing rights for optometrists (cont.)

Dr. Fink advised Mr. Cooper and Dr. Veliky that ultimately optometrists prescription blanks are going to be the same that doctors use. Dr. Siegel expressed his concern that licensees are running out of the old prescription blanks and would have to order the new ones to then have to reorder once the revision is made. Chair requested that Executive Director reach out to the Board of Pharmacy to check the status.

2. The Board reviewed a copy of the letters sent to Director Lee by Edward W. Harmer, O.D., NJSOP President regarding prescription blanks for informational purposes.
3. The Board reviewed the proposed changes from the Association of Regulatory Boards of Optometry regarding COPE as well as the American Optometric Association's response for informational purposes.

- e. Bryan Wolynski, O.D., President of the Optometric Society submitted correspondence for Board review in regards to Operative performing an online based refraction resulting in a prescription for eyeglasses and contact lenses in which prescriptions are being evaluated and signed by a licensed ophthalmologist in the state of new jersey and patients are not receiving an eye health assessment.

A motion was made by Dr. Siegel seconded by Dr. Collazo Harfst to move this matter to Executive Session for further discussion. The motion carried by unanimous vote.

- f. Elizabeth Greenblatt, Regulatory Analyst submitted for Board review a proposal permitting licensees to prescribe hydrocodone and omitting language on prescription form.

After review, a motion was made by Dr. Collazo Harfst seconded by Dr. Siegel to approve the proposed changes. The motion carried by unanimous vote.

IV NEW BUSINESS (cont.)

- g. Dr. Siegel submitted for Board discussion a Coming Soon: Eye Exam Results article.

After review, a motion was made by Dr. Collazo Harfst seconded by Dr. Siegel to move this matter to Executive Session for discussion. The motion carried by unanimous vote.

V OLD BUSINESS

- a. Division of Law submitted approval of the proposed language for Optometrists prescription blanks. The Board reviewed it for informational purposes.
- b. The Board reviewed draft of Hydrocodone Prescriptive Authority for CDS alert to be added to Board's website.

After review, a motion was made by Dr. Collazo Harfst seconded by Dr. Siegel to add the an alert on the Board's website that indicates that the Board of Optometry, at its October 21, 2015 Board meeting, has advised the public, pharmacists and pharmacies of the recent statutory change which allows optometrists to prescribe hydrocodone containing products regardless of the controlled substance schedule. The Board of Pharmacy will include a notice in its next quarterly newsletter, place an alert on the Board of Pharmacy website and notify pharmacists and pharmacies of the change via the NJ Prescription Monitoring Program (NJPMP). The Drug Control Unit will place a similar notice on its website. The motion carried by unanimous vote.

VI FYI

- a. Subchapter 5 abandonment of application.

The Board reviewed for informational purposes.

VII HANDOUTS

- a. Revised consumer brief.

The board reviewed for informational purposes

VIII ADJOURNMENT

A motion was made by Dr. Collazo Harfst seconded by Dr. Siegel to proceed to Executive Session, to hold an investigative inquiry, to consider and review advertisements, consumer complaints and other information received pursuant to the Board's investigative authority in order to determine whether violations of law, including Board's regulations, have occurred. The results of these deliberations will be made known when, and if, the Board determines to initiate disciplinary or other enforcement actions. If the Board chooses to issue a Uniform Penalty Letter, the action will be taken in Public Session immediately after the Executive Session.

A motion was made by Dr. Siegel seconded by Dr. Rufolo to adjourn the meeting at 3:00p.m. The motion carried by unanimous vote.

Respectfully submitted
BOARD OF OPTOMETRISTS

Renee Pearson Clark
Executive Director